IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.21186 of 2008
ASHOK RAI
Versus

STATE OF BIHAR
- - - -

3. 9.7.2008 Heard.

The report of the trial court is very discouraging. The learned Judge has reported to this Court that Sessions Trial No.494 of 2007, in which the petitioner seeks bail, was received by his Court on 24.9.2007 and the charges could be framed only on 27.3.2008, i.e., after six months from the receipt of the case. The report is dated 11.6.2008 and in three months' time the learned Judge could not get the witnesses produced and as such has issued summons to the witnesses.

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I could advise the learned Judge to act in accordance with the decision of the Apex Court rendered in Shailendra Kumar Vs. The State of Bihar: A.I.R. 2002 S.C. 270 and issue a notice to the Officer-in-charge of the Police Station which had investigated the case by enclosing the detail description of the chargesheeted witnesses for their production by the Officer-in-charge. The learned Judge could also consult Section 170(2) of the Code

of Criminal Procedure and act accordingly.

As regards the merits of the present petition, if one could carefully consider the first rejection order passed in Cr. Misc. No. 26057 of 2007 then he could consider that the petitioner is alleged to have assaulted the deceased with the butt of a pistol or other weapon and the Doctor holding the post-mortem examination could not assign the cause of death. Other similarly situated accused have already been granted bail.

Regard being had to the facts, let the above named petitioner be also directed to be released from custody on his furnishing a bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the ist Additional Sessions Judge, Saran at Dhapra, in Sessions Trial No. 494 of 2007 arising out of Issuapur p.S.Case No.16 of 2006.

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Kanth

(Dharnidhar Jha, J.)